CITY OF CLEWISTON Regular Commission Meeting and Final Budget Hearing September 19, 2022

The City of Clewiston City Commission held its Regular Commission meeting and Final Budget Hearing in the City Hall Commission Chambers Monday, September 19, 2022. The meeting was called to order at 5:00 p.m. by Mayor Kristine Petersen. Commissioner James Pittman gave the invocation and the audience joined in reciting the Pledge of Allegiance.

<u>Commissioners Present</u>: Mayor Kristine Petersen, Vice Mayor Greg Thompson, Commissioner Mali Gardner, Commissioner Hillary Hyslope and Commissioner James Pittman.

<u>Personnel Present</u>: City Manager Randy Martin, City Clerk Kathy Combass, Finance Director Shari Howell, Director of Operations Danny Williams, Police Chief Thomas Lewis, Police Commander Tito Nieves, Community Development Director Travis Reese, Consulting Engineer Joe DeBono and City Attorney Dylan Brandenburg.

<u>Visitors Present</u>: Terry Gardner, Jesse and Rushelle Lee, Miller Couse, Carey Soud, Daniel Avila, Darrel Bagiotti, Ian Stone, Jerry Cochrane, Lavonne Sherrell, Jeremy Greaves, Barbara Edmonds and Pedro Diaz.

Additions/Deletions/Changes and Approval of the Agenda – Manager Martin recommended that Consent Agenda Item E be pulled from the agenda and continued to a future meeting.

1. Consent Agenda

- A. City Commission Budget Workshop Minutes August 8, 2022
- B. City Commission Meeting Minutes August 15, 2022
- C. Resolution No. 2022-071 approves the State Aid to Libraries Grant Agreement and Certification of Hours, Free Library Service and Access to Materials Between the State of Florida, Department of State and the City of Clewiston
- D. Resolution No. 2022-072 approves Library policies
- E. Resolution No. 2022-073 approves the Service Agreement with Clewiston Chamber of Commerce
- F. Resolution No. 2022-074 approves the Service Agreement with Clewiston Museum
- G. Resolution No. 2022-075 approves the renewal of the Clewiston Sikes Building Lease with Little Disciples Learning Center, Inc.
- H. Resolution No. 2022-076 approves the renewal of the Lease with Hope Hospice and Community Services, Inc.
- I. Resolution No. 2022-077 approves the distribution of \$64,837 of FY 2021 Edward Byrne Memorial JAG Program funds for Hendry County projects.
- J. Resolution No. 2022-078 Recognizing First Bank's 100th Anniversary
- K. Event Application First Bank Customer Appreciation Day September 22, 2022
- L. Event Application CHS Homecoming Parade October 28, 2022
- M. Denco Construction, Inc. Change Order No. 1 USACE Septic to Sewer System Project For Information Only
- N. Johnson-Davis, Inc. Change Order No. 4 Alverdez Ave and Commercio St Water Main Improvements Project For Information Only
- O. Johnson-Davis, Inc. Change Order No. 5 Alverdez Ave and Commercio St Water Main Improvements Project For Information Only

Commissioner Gardner made a motion, seconded by Commissioner Hyslope, to approve the Consent Agenda with the removal of Consent Agenda Item E. Vote 5 yeas, 0 nays

Public Comments – Mayor Petersen asked for public comments and stated that all comments would be limited to 3 minutes.

Mr. Jerry Cochrane of 219 Ridgewood Avenue came forward and expressed his concern with the poor condition of the railroad tracks on US 27 on the west end of town. He also expressed that he felt the ordinance regarding the parking of RV vehicles in driveways should be enforced.

Manager Martin advised he will report on the railroad crossing at the S. Francisco location during his comments at the end of the meeting.

Mr. Jesse Lee of 337 West Pasadena Avenue came forward and reminded the Commission that he previously had concerns with how the flow of traffic at the Hampton Inn would impede Pasadena Avenue and was told that it would not be a problem. He stated that semi-trailers are now parking on Pasadena Avenue and blocking the stop sign, bass boats and trucks are hanging out in the road and extension cords are crossing the road. He would like this to be addressed before something happens. He stated that law enforcement had been contacted several times but the vehicles are not being moved. Commissioner Gardner thanked Mr. Lee for bringing this up because she had also expressed her concern to the City Manager about the parking on both sides of Pasadena Avenue. She stated that when the parking was approved, the Commission did not want it to affect the neighborhood and knows that the City Manager will look at it.

Mr. Darrel Bagiotti of Hollywood, Florida representing Clarke Mosquito Control came forward and stated that Clarke had been the City's mosquito control provider for a number of years. He thanked the City for its continued support and business and stated that he would be happy to answer any questions the Commission may have as they review the proposals and award the contract for mosquito control.

Mr. Lavonne Sherrell of 911 Gratton Road came forward and expressed his concern that the public restrooms at the boat ramp have been locked a lot lately. He understands there is vandalism but feels the restrooms should be opened for the public to use at certain times.

DONATION DEDICATION – The Police and Kids Foundation – Clewiston Police Chief Tom Lewis introduced Tracy Scofield of the Police and Kids Foundation and thanked him and the foundation for their \$11,000 donation to purchase 6 AEDs and a trauma kit, which will increase the department's lifesaving abilities at no cost to the citizens. Mr. Scofield of Pinellas Park, Florida, stated that the Police and Kids Foundation had been around for 11 years. He explained that funds from the Fallen Officer license plate available option that is purchased from the state by the citizens of Florida allow the organization to do things like this. He stated that their focus is on small agencies. They support the families of fallen law enforcement officers and also as of this year, fallen firefighters and if the numbers stay low, they are able to do these donations. It all comes from the citizens of Florida and they turn around and put the money back out to communities. It is nice that the AEDs will be there for the citizens or guests to the area if they are needed.

PRESENTATION TO FIRST BANK – Resolution No. 2022-078 – After reading Resolution No. 2022-078 recognizing the 100th anniversary of First Bank, Mayor Petersen presented it to Miller Couse, Carey Soud and Daniel Avila of First Bank. Mr. Miller Couse thanked the Commission on behalf of First Bank and announced that everyone is invited to the bank's centennial celebrations. He stated that Mike Huckabee will be coming to speak at the celebration in Moore Haven on November 16 and this Thursday, September 22, they are having a celebration for customers in Clewiston with a free lunch provided.

PUBLIC HEARING

- 2. Final Public Hearing of the FY 2022-2023 Budget 5:05 p.m. (A copy of the FY 2022-2023 Tentative Budget was a part of the September 7, 2022 City Commission Tentative Millage & Budget Hearing Agenda and can be viewed on the City's website and a copy of the proposed FY 2022-2023 Budget may be obtained from the Finance Department.)
 - **A. Resolution No. 2022-079** Resolution No. 2022-079 adopts a millage rate for the levy of ad valorem taxes for Fiscal Year 2022-2023. The proposed millage rate is 6.5314 mills.

Mayor Petersen opened the public hearing and stated the proposed millage rate is 6.5314 mills, which represents a 6.45% increase over the 6.1358 rolled-back millage rate as defined by the Florida Statutes. She also stated the total of the proposed capital and operating budget for the Fiscal Year 2022-2023 is \$48,529,488. After hearing no public comments, Mayor Petersen read Resolution No. 2022-079 by title. Commissioner Gardner thanked Finance Director Howell and her staff for their hard work and stated that

this budget gives us the highest assessed values that we have had in the City of Clewiston and also the highest amount of grant funding that we have ever received but we still remain short of necessary revenues especially for existing infrastructure. She noted that over the next five years, we will need over \$8 million to maintain the infrastructure we have. She stated that she loves our parks and that people come here to fish but also realizes that there is a cost to expanding. She feels that as we look to the future, we should be very cautious in expanding any city owned facilities. Commissioner Pittman added that due to infrastructure issues and expenses that will go up every year, until we are able to expand our tax base, it is going to be very difficult for our income to keep up with our expenses. He stated that he is not in favor of taking money out of reserves.

Commissioner Gardner made a motion, seconded by Commissioner Hyslope, to approve Resolution No. 2022-079. Vote 5 yeas, 0 nays

B. Resolution No. 2022-080 – Resolution No. 2022-080 adopts the budget for Fiscal Year 2022-2023.

Mayor Petersen read Resolution No. 2022-080 by title and asked for discussion by the Commission and comments from the public. There was no discussion by the Commission and no public comments were heard.

Commissioner Gardner made a motion, seconded by Commissioner Hyslope, to approve Resolution No. 2022-080. Vote 5 yeas, 0 nays

Before the vote, Manager Martin stated that it was brought to his attention that it would be prudent to review the actions taken at the previous board meeting when the Commission acted upon the utility rates. This is necessary so that citizens are aware of what changes are being proposed and what has been approved and factored into this budget. He then highlighted the presentation included in the budget. He stated for the record the Commission previously approved a 3-year transition on water and sewer utility rates. He then reviewed the changes in the utility rates that will be effective 10/1/2022 with the approval of this budget. He also reviewed the adjustments for solid waste and explained that those were necessary to support equipment replacement. He stated that he is proud to say that Clewiston is in a better place with reserves and we want to continue improving. He thanked the Commission and staff for their support. Commissioner Pittman thanked staff for their hard work and stated that he felt the budget cycle was quick this year. He would like to see a balanced budget without taking money out of reserves next year and would like to have the information quicker before the first budget hearing so that the Commission can talk more about how much of the reserves is needed to balance the budget. He stated that he is happy the reserves are building but it is almost like the Commission doesn't really have a choice at this point. Commissioner Hyslope commended Director Howell for working so hard on the budget. She stated that she feels it is excellent that the City has an estimated 34% of the proposed operating budget when the City's policy is 10% and that she liked the way that staff does the budget process and lays it out department by department.

C. Resolution No. 2022-081 – Resolution No. 2022-081 adopts the City's FY2023 Capital Improvement Plans.

Mayor Petersen summarized and read Resolution No. 2022-081 by title and asked for discussion and comments from the public. After hearing no discussion by the Commission or public comments, she called for a motion to adopt the City's FY2023 Capital Improvement Plans.

Commissioner Hyslope made a motion, seconded by Commissioner Gardner, to approve Resolution No. 2022-081. Vote 5 yeas, 0 nays

Before the vote, Commissioner Gardner reiterated that over the next five years \$8,164,523.75 will be needed for capital improvements and that doesn't include enterprise funds and out of that approximately \$1.5 million is for recreation. She stated that it is going to be very difficult to maintain what we have. She stated that she will not support expanding recreation knowing what we face over the next five years. It was noted that one millage rate equals approximately \$185,000. Commissioner Pittman

stated that the millage rate doesn't solve the problem; the answer is that we have been able to get a lot of grants. Commissioner Gardner stated that we also have to realize that for many years there was zero federal and state grant funding coming in. This is a good time for us to really focus on grant funding as we look at the capital improvement plan for the future.

After the vote, Mayor Petersen commented on Manager Martin's and Director Howell's achievements. She stated that Manager Martin took care of Commerce Park, looked after grant money and has networked and made connections. She stated that Director Howell has streamlined and cleaned up the budget process and her dedication, patience and humility is to be recognized. Manager Martin stated that it was a team effort. He thanked the Commission for their policy guidance and stated that the staff will work to further refine the process with the feedback received.

ORDINANCE

3. Ordinance No. 2022-10 – First Reading – Ordinance No. 2022-10 related to zoning regulations, amends Article V, Chapter 110, entitled "Districts and District Regulations" of the City code, provides for enactment of Section 110-501 through Section 110-518, entitled "US 27 Commercial Corridor District Zoning Regulations", amends Section 110-149 to add a new zoning district and amends Section 110-2 to add new definitions.

Mayor Petersen summarized the agenda item and read Ordinance No. 2022-10 by title.

Vice Mayor Thompson made a motion, seconded by Commissioner Pittman, to approve Ordinance No. 2022-10 on first reading and set the public hearing for October 17, 2022. Vote 5 yeas, 0 nays

Before the vote and after hearing no comments from the public, Commissioner Gardner stated for the record that Manager Martin is going to request that the ordinance go back to the Planning & Zoning Board for review before the final reading. Manager Martin stated that he will make sure the Planning & Zoning Board reviews the most up to date version of the ordinance since it had been some time since their last review.

RESOLUTIONS

4. Acceptance of Proposals and Approval of Contracts for 2022 Professional Aerial and Ground Mosquito Control Services – An Invitation to Bid was advertised in the Lake Okeechobee News on August 17, 2022 for Professional Aerial and Ground Mosquito Control Services. Bids were received and opened on September 7, 2022. Director of Operations Danny Williams recommends awarding the contracts to Vector Disease Control International (VDCI) in a total amount not to exceed \$153,619.25.

Mayor Petersen summarized the agenda item.

A. Resolution No. 2022-082 – Resolution No. 2022-082 accepts the proposal for aerial mosquito control services from VDCI and approves the 2022 Aerial Mosquito Control Contract between the City of Clewiston and VDCI for a maximum of 6 applications in the total amount of \$44,434.25.

Mayor Petersen read Resolution No. 2022-082 by title.

Vice Mayor Thompson made a motion, seconded by Commissioner Pittman, to approve Resolution No. 2022-082. Vote 5 yeas, 0 nays

Before the vote, Director of Operations Danny Williams thanked Mr. Bagiotti for the services provided by Clarke Environmental Mosquito Control in the past and explained that he would like to go in a different direction this year. In response to Vice Mayor Thompson's question as to what his recommendation was based on, Director Williams stated that he was impressed with VDCI in meeting with him and discussing our issues. Manager Martin added that the recommendation was also based on cost.

B. Resolution No. 2022-083 – Resolution No. 2022-083 accepts the proposal for ground mosquito ground services from VDCI and approves the 2022 Ground Mosquito Control Contract between the City of Clewiston and VDCI in the total amount not to exceed \$109,185.00.

Mayor Petersen summarized and read Resolution No. 2022-083 by title.

Commissioner Gardner made a motion, seconded by Commissioner Pittman, to approve Resolution No. 2022-083. Vote 5 yeas, 0 nays

5. Resolution No. 2022-084 – Resolution No. 2022-084 approves the award of the Phase 3 Infiltration Correction Services – Pumps contract to Xylem Water Solutions USA, Inc. in the amount of \$793,276.00 and authorizes the Mayor to execute the contract on behalf of the City.

Mayor Petersen summarized the agenda item and read Resolution No. 2022-084 by title.

Vice Mayor Thompson made a motion, seconded by Commissioner Gardner, to approve Resolution No. 2022-084. Vote 5 yeas, 0 nays

Before the vote, Manager Martin recommended that Director Williams comment on Agenda Items 5, 6 and 7 at once. He stated that all three bid items cumulatively were well in excess of the grant funds received but they were able to pare the projects down to a total slightly less than the available funding. City staff with our consultant's assistance was unable to get the state to agree to provide any additional funding at this time but we are hopeful they will provide the additional funding in the future so we can finish this phase of the work and pick up the items that were pared off. Director Williams stated that this is the final phase of the sewer distribution system. The project was over budget due to the increases of late in the cost of material so we had to negotiate the scope. We are going to do about 32 lift stations out of the total of 51, starting with the worst. Once this phase is done, we will roll into other needs at the sewer plant. He then commented on the each of the three sections of this phase and explained how it will help the capacity for treatment at the sewer plant by reducing flows. Manager Martin stated that when we are able to get some additional funding and pick up those items that had to be deleted from the scope of this contract and have all of our pumps and equipment up to modern day standards and relatively new, it would be a huge item off of the city's annual cost for maintaining that system. He concurred with Director Williams that we could then focus on the plant. He stated that we are going to recommend applying again to the legislature for additional funding to keep doing the upgrade at the plant to expand capacity for growth and also to improve our processes to the extent that we will be able to produce reuse quality effluent from the plant. Once this project is done, the City will have a much safer and environmentally friendly wastewater collection system. Director Williams mentioned that the City would also receive a vac truck out of this phase 3 project.

6. Resolution No. 2022-085 – Resolution No. 2022-085 approves the award of the Phase 3 Infiltration Correction Services – Control Boxes contract to Cox Research and Technology, Inc. in the amount of \$677,959.00 and authorizes the Mayor to execute the contract on behalf of the City.

Mayor Petersen summarized the agenda item and read Resolution No. 2022-085 by title.

Commissioner Hyslope made a motion, seconded by Commissioner Pittman, to approve Resolution No. 2022-085. Vote 5 yeas, 0 nays

Before the vote, Manager Martin stated the state approved awarding these contracts with only one proposal having been received for each part.

7. Resolution No. 2022-086 – Resolution No. 2022-086 approves the award of the Phase 3 Infiltration Correction Services – Installation of Pumps and Boxes contract to Boromei, Inc. in the amount of \$1,379,941.00 and authorizes the Mayor to execute the contract on behalf of the City.

Mayor Petersen summarized the agenda item and read Resolution No. 2022-086 by title.

Commissioner Pittman made a motion, seconded by Vice Mayor Thompson, to approve Resolution No. 2022-086. Vote 5 yeas, 0 nays

Before the vote, Vice Mayor Thompson stated that this is what it takes to move the City forward; this project will really benefit our city. Director Williams confirmed that this project will reduce the flows, upgrade our system and allow for growth when the city completes the grant funded force main along the highway corridor to Airglades.

After the vote, Manager Martin publicly announced that the City received notice from the Department of Environmental Protection that the City is no longer under the consent order entered into several years ago after complying with its terms.

8. Resolution No. 2022-087 – Resolution No. 2022-087 approves administration's recommendation to reduce the lien to \$7,130.00 consistent with the Special Magistrate's recommendation in Order Granting a Fine Reduction Request: Recommendation, City of Clewiston, Florida v. Juan E. & Ana O. Alvarenga, Code Compliance Case No.18-0180, dated September 13, 2022.

Mayor Petersen summarized the agenda item report and read Resolution No. 2022-087 by title.

Vice Mayor Thompson made a motion, seconded by Commissioner Hyslope, to approve Resolution No. 2022-087. Vote 5 yeas, 0 nays

Before the vote, Commissioner Gardner noted that the property is currently vacant, there is a contract to sell the property and the intent is for redevelopment. She asked what the redevelopment requirements were. Manager Martin mentioned that if this request is approved, it will be the third settlement in the last two years in the city of a long term code violation for what he considered a significant amount of funds. He then asked the Community Development Director to respond to the question. Community Development Director Travis Reese stated that there are different options that an owner and contractor can pick on how they want to redevelop the property. He believed that if 50% or greater is deteriorated or 30% or greater of the structural or foundation supporting walls is deteriorated or a combination of structural and non-structural, the property would not be rebuildable if it was nonconforming. He noted that the City's code did not encourage the survivability of nonconforming structures and stated they have a formula to figure the value of the building and the amount of money required to put into it. Commissioner Pittman asked if all of the City's costs were covered in the fees that are collected on these lien reductions. Manager Martin stated that he believed they were since in this case there are minimal hard costs and the city's investment was primarily the staff's time. He then mentioned that a similar longer term violation lien reduction request is expected on another residential property recently sold and located on W.C. Owen.

9. Resolution No. 2022-088 – Resolution No. 2022-088 authorizes the issuance of a purchase order to WeProject in the amount of \$35,824.00 as needed for technical management consulting services to support Lynne Mila as project manager during the city's Advanced Metering Infrastructure project implementation phase.

Mayor Petersen summarized and read Resolution No. 2022-088 by title.

Commissioner Pittman made a motion, seconded by Commissioner Gardner, to approve Resolution No. 2022-088. Vote 5 yeas, 0 nays

Before the vote, Commissioner Pittman asked for an update on the AMI Project. Director of Operations Williams commented on the great support service received from WeProject. He reported that test meters have been deployed and staff is being trained. He is expecting to begin receiving quantities of replacement meters around the end of November and is looking at beginning the deployment with the electric meters in January. Manager Martin stated that a workshop will be held for the Commission and the public to observe and better understand what is being done and how the new technology works. He noted the water and sewer meters will take a little longer but it is expected to have all of the project completed within the next fiscal year. Director Williams stated for the record, the recent power cost adjustment

increases did not have anything to do with the AMI Project. After further discussion, Manager Martin stated that staff are focused on ensuring the integration works with the Tyler financial software already utilized by the city.

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

- 10. Old Business Manager Martin stated that he will be polling the Commission for dates for the next workshop to be held. He reported that four bids for the auditor selection were received last week and are being evaluated. The Auditor Selection Committee will rank the firms on October 3 and their recommendation will be considered by the Commission at the October 17 meeting. Commissioner Pittman requested that the City's storm shutter ordinance be reviewed because of the fine that the guy just had to pay. He is wondering if he was at that meeting and saw that we were going to discuss it and decided to wait and leave his plywood on there until we make a decision. Manager Martin stated that was not the case according to the owner of the property fined; the topic will be included for discussion on the next workshop agenda. Regarding the lien reduction case, the owner had advised during the hearing that he left it there at the request of the tenants for their safety. Commissioner Pittman suggested that we include bars on the windows in the discussion for storm shutters because there are several homes that have that and they are not shutters or hurricane shutters.
- **11. Departmental Monthly Activity Reports** Commissioner Gardner stated that she feels better reports from staff are needed as there are permits being pulled by people that no longer live in those homes and some reports do not provide timely and relevant information. She stated that it could be discussed at a workshop or Manager Martin could come up with a format for better reports from staff.

Comments from City Manager – Manager Martin commented on the C-21 Bridge Project. He reported that the dike at that location was open but a portion of it would be closing again to remove the current temporary crossing. The City's contractor is expected to begin mobilizing on site within the next 30 days but he doesn't expect it to have much of an impact in terms of access to the dike for the next several months until the contractor actually begins construction of the structure across the canal. He stated that we are going to work with them to keep as much of that area open to the public as safety allows until a connection is made and then it would be shut down for a period of time. Commissioner Gardner asked Manager Martin to check on the status of the LOST trail located on the dike as it leaves the city recreation area again and let the community know in the next FYI newsletter as she heard that it was closed to the public again. Manager Martin stated the Commission will be receiving information resulting from his meeting with Attorney Brandenburg regarding the review of the South Shore Water Association agreement. He then provided an update in response to the complaint that was received on the condition of the railroad tracks on Francisco. He stated that according to the County Engineer, U.S. Sugar ended up hiring a local contractor for that project and after receiving complaints on the work that was done, U.S. Sugar hired a new contractor to do the work which resulted in the current condition. He reported the City's concern to the County engineer that we did not feel the current condition was adequate and he indicated that he will go back and discuss what next steps they are going to have to take. The Manager stated that with regard to tonight's comments received regarding the condition of the railroad crossing at the west end of town, we will communicate the complaint to DOT and U.S. Sugar because it is his understanding that it would be the responsibility of either one or both of them.

Director of Operations Danny Williams provided an update on the boat basin bathrooms. He stated that he is not going to tolerate people damaging the bathrooms. The bathrooms are open during the day from 7:00 am to 7:00 pm. Commissioner Gardner suggested opening the bathrooms earlier in the morning for the fishermen that go out early in the morning.

Mayor Petersen requested a new set of military flags for Civic Park.

Comments from City Attorney – Attorney Brandenburg commented that as Manager Martin stated they reviewed the South Shore Water Association agreement and the Commission will be receiving that information.

Comments from the City Commission – Commissioner Hyslope thanked Director Howell and her staff for the smooth budget process. She then mentioned that she was pleased to hear the public notification regarding the smart meters not being part of the cost of the utility bill. She

then announced that the Clewiston Chamber of Commerce and Clewiston Police Department will be hosting the Coffee with the Chief on Thursday at 8:00 a.m. at WorryFree Plumbing.

Commissioner Gardner stated that she was thankful for the budget process and is looking forward to upcoming workshops.

Vice Mayor Thompson thanked staff for their work on the budget. He stated that he feels it is a great time to be on the board as it has been easier to make significant changes that have been needed for decades. He expressed his appreciation for everyone's input and stated that he is looking forward to what they can do in the future.

Commissioner Pittman asked that he be copied in the email to Mr. Lee about the parking at the Hampton Inn. He then expressed that he feels it is important that the Commission and staff remember the previous discussion about a second commercial zoning district as new lots north and south of the highway are opened. He next asked if there were any updates on what Treviicos was going to do in regards to repair to the roads they used during the Herbert Hoover Dike Project. Director Williams confirmed that he will follow up with Treviicos on that before the contractor begins work on the C-21 Project. Commissioner Pittman then noted that he feels there are still some areas that need attention on Ventura Avenue related to the rehabilitation project. Director Williams agreed and stated that there are some flooding issues that he has brought to the contractor's attention.

Adjournment

Commissioner Gardner made a motion, seconded by Commissioner Hyslope, to adjourn the meeting at 6:54 p.m. Vote 5 yeas, 0 nays

	Greg Thompson, Vice Mayor	
Mary K. Combass, City Clerk	_	